

GOVERNMENT OF NDHRA PRADESH
ABSTRACT

Establishment – AP Ground Water Department – Gazetted – Sri.P.J.Sastry, Deputy Director (Retd), Ground Water Department – Notional Promotion as Joint Director and Director – Orders – Issued.

IRRIGATION AND CAD (SER.VIII.A2) DEPARTMENT

G.O.Ms.No. 129

Dated 12/8/2008.
Read the following:-

1. Representation from Sri.P.J.Sastry, Deputy Director (Retd), dt. 17.8.2004.
2. Govt.Memo.No.28785/Ser.VIII.A2/2007-1, dt. 6.10.2007.
3. Representation from Sri.P.J.Sastry, Deputy Director (Retd), dt. 8.10.2007.
4. Govt.Memo.No.28785/Ser.VIII.A2/2007-2, dt. 9.1.2007.
5. From the Director, GWD, Lr.No.11557/EI(1)/2007, dt. 9.10.2007.
6. Govt.Memo.No.28785/Ser.VIII.A2/2007-4, dt. 28.11.2007.
7. From the Director, GWD, Lr.No.11557/EI(1)/2007, dt. 5.12.2007.
8. From the Special Officer, Advocates on Record, Supreme Court of India, New Delhi, Lr.No.Irr.366/APLC/JA/1994, dt. 24.5.2008.
9. Representation from Sri.P.J.Sastry, Deputy Director (Retd), dt.15.7.2008.

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In the references 1st and 3rd read above Sri.P.J.Sastry, Deputy Director (Retd) has represented that he was promoted as Senior Hydrogeologist w.e.f 26.6.1978. Sri.U.Mangapathi Sarma was promoted as Joint Director w.e.f 29.12.1986 by virtue of orders of Supreme Court dated 12.9.2002. Consequently Sri.T.Narasimha Reddy stands demoted from the post of Joint Director from 29.12.1986 and he became eligible to the post of Joint Director only on 24.1.1990 when Sri.U.Mangapathi Sarma would have been promoted as Director. Sri.T.Narasimha Reddy should have retired only as Joint Director, on superannuation on 30.11.1994. The proposal of the Director, Ground Water Department to promote him as Joint Director notionally on par with Sri.E.J.Mohan Rao for the panel year 1994-95 w.e.f 07.6.1995 is erroneous as Sri.E.J.Mohan Rao cannot become senior. Consequent on promotion of Sri.U.Mangapathi Sarma as Director on 24.1.1990 he should be promoted as Joint Director notionally from 24.1.1990 and again promoted as Director on the superannuation of Sri. U.Mangapathi Sarma notionally on 30.9.1995. He is willing to withdraw his case in the Supreme Court of India in the event of the Government of Andhra Pradesh considering his case favorably and promote him notionally as Director.

2. In the references 5th and 7th read above, the Director, GWD has reported that Sri.P.J.Sastry has joined in the Department as Junior Hydro-geologists on 26-6-1975 on contract basis as per the orders issued in G.O.Ms.No.1137 F&A (FP.I) Department, dated 7.12.1974 and he was absorbed as Junior Hydrogeologist vide G.O.Ms.No.139, I&P(Ser.I) Department, dated. 27.3.1981 and his services were regularized w.e.f 20-6-1979 vdie G.O.Ms.No.198, I&(Irr.X) Department, dt. 2.5.1986 read with G.O.Rt.No.1357 I&(Irr.X) Department, dt. 15.12.1986 and his probation was declared w.e.f 16.7.1981. He worked as a Senior Hydrogeologist I/C from 26.6.1975 till 24.11.1987 and promoted as Senior Hydrogeologist / Deputy Director (Hg) w.e.f. 25.11.1987 FN vide G.O.Ms.No.398, I&CAD (CAD.Ser.I) Department, dt. 24.11.1987 and worked as Senior Hydrogeologist / Deputy Director (Hg) till the date of his superannuation ie., 31.12.1996 AN. His services have been regularized w.e.f 25.11.1987 in the category of Senior Hydrogeologist vide G.O.Rt.No.816 I&CAD (CAD Ser.I) Dept., dt. 23.9.1988 and his probation was declared w.e.f. 24.11.1988 vide G.O.Rt.No.409 I&CAD (CAD Ser.I) Department dt. 02.3.1993. He has filed special leave petition in Supreme Court of India vide Civil appeal No.14748/1994 praying for similar relief as that of Sri.U.Mangapathi Sarma in Civil Appeal No.5699/1994 and final orders from the Supreme Court are awaited. As per the orders issued in Govt.Memo.No.37369/CAD.Ser.I(2)/2002-4, dt. 28.6.2003 and judgment of Supreme Court of India dt. 12.9.2002, Sri.U.Mangapathi Sarma is eligible for the post of Junior

Hydrogeologist w.e.f. 06.9.1974 and thus became eligible for promotion as Senior Hydrogeologist w.e.f 06.9.1977 FN notionally. He is eligible for the post of Junior Hydrogeologist w.e.f 26.6.1975 and thus became eligible for promotion as Senior Hydrogeologist w.e.f 26.6.1978 FN. The DPC which met on 23/7/2003 have recommended that Sri.U.Mangapathi Sarma is eligible for notional promotion as Senior Hydrogeologist w.e.f 06/9/1977 FN. Since Sri.P.J.Sastray is also similarly placed, DPC has also considered and recommended his notional promotion w.e.f 26.6.1978. Accordingly Government vide G.O.Ms.No.118, Irrigation & CAD (CAD Ser.I) Department, dt. 07.8.2003 have issued orders promoting notionally Sarvasri.U..Mangapathi Sarma and P.J.Sastray as Senior Hydrogeologists w.e.f. 06/9/1977 FN and 26.6.1978 FN respectively with reference to Judgment of Hon'ble Supreme Court of India. During the pendency of Special Petition in Supreme Court of India, Sri.T.Narsimha Reddy, Senior Hydrologist was promoted as Joint Director vide G.O.Ms.No.538, I&CAD (CAD Ser.I) Dept., dt. 29.12.1986 and he assumed charge on 29.12.1986. He was also promoted as Director vide G.O.Ms.No.14, I&CAD (CAD.Ser.I) Dept., dt. 24.1.1990 and he assumed charge on 24.1.1990 as Director. Due to promotion of Sri.U.Mangapathi Sarma as Senior Hydrogeologist notionally w.e.f 06.9.1977 FN., he has became senior to Sri.T.Narsimha Reddy and hence, he is eligible for promotion as Joint Director notionally w.e.f. 29.12.1986 FN and as Director w.e.f. 24.1.1990 FN on par with his junior Sri.T.Narsimha Reddy stands reverted as Senior Hydrologist with effect from 29.12.1986 and as Joint Director w.e.f 24.1.1990. Due to promotion of Sri.P.J.Sastray as Senior Hydrogeologistsit notionally w.e.f. 26.6.1978 FN., he has become senior to Sri.E.J.Mohan Rao and hence he is eligible for promotion as Joint Director notionally w.e.f 07.6.1995 on par with his junior Sri.E.J.Mohan Rao. As per the proceedings of the DPC Government vide G.O.Ms.No.74 and 75, I&CAD (CAD Ser.I) Department , dt. 4.5.2004 have issued orders promoting Sri.U.Mangapathi Sarma and Sri.P.J.Sastray, Senior Hydrogeologists (Retd) as Joint Directors notionally w.e.f. 29.12.1986 FN (1986-1987) and w.e.f 07/6/1995 FN (1994-1995) on par with their juniors respectively. As per the proceedings of the DPC Government vide G.O.Ms.No.203, I&CAD (CAD Ser.I) Department dt. 30.12.2004 have issued orders promoting Sri.U.Mangapathi Sarma as Director notionally w.e.f 24.1.1990 on par with his junior Sri.T.Narasimha Reddy stands reverted as Joint Director. Consequent on implementation of orders of Supreme Court the post of Joint Director has fallen vacant on 24.1.1990 due to notional promotion of Sri.U.Mangapathi Sarma, Joint Director as Director resulting in reversion of Sri.T.Narsimha Reddy as Joint Director being immediate junior to him. The post of Joint Director has again fallen vacant on 30.11.1994 due to superannuation of Sri.T.Nrsimha Reddy, Joint Director. Thus a clear post of Joint Director has fallen vacant on 1.12.1994 FN. Sri.U.Mangapahti Sarma, who was notionally promoted as Director with effect from 24.1.1990 has retired on superannuation on 30.9.1995. Thus a clear post of Director fell vacant on 1.10.1995. But Sri.P.Babu Rao, Joint Director of Panchayat Raj Department was appointed as Director by Government with effect from 1.6.1995 and he retired on superannuation as Director on 30.6.2000.

3. Further, the post of Senior Hydrogeologist, Senior Geophysicist and Senior Hydrologist are the feeder categories for promotion to the post of Joint Director. The incumbency of Joint Director in the Department prior to judgment of Supreme Court of India in Civil appeal 5699/94, dt. 12.9.2002 is as follows:-

1. Sri.T.Narasimha Reddy, Senior Hydrologist from 29.12.1986 to 23.1.1990.
2. Vacant from 24.1.1990 to 6.6.1995 due to various litigations in seniority
3. Sri.E.J.Mohan Rao, Senior Geophysicist from 7.6.1995 to 6.12.2000.

Prior to judgment of Supreme Court Sri.P.J.Sastray, Senior Hydrogeologist was Junior to Sri.E.J.Mohan Rao, Sr. Geophysicist. In pursuance of the Judgment of Supreme Court of India, dt. 12.9.2002, in civil appeal No.5699/94 filed by Sri.U.Mangapahthi Sarma, Senior Hydrogeologist, Sri.P.J.Sastray became senior to Sri.E.J.Mohan Rao, Sr. Geophysicist due to assigning notional date of promotion as Senior Hydrogeologist w.e.f. 26.6.1978 vide G.O.Ms.No.118, I&CAD Dept., dt. 7.8.2003, Later, he was notionally promoted as Joint Director on par with his Junior Sri.E.J.Mohan Rao, w.e.f 7.6.1995 as the post of JD was vacant from 24.1.1990 to 6.6.1995 due to pendency of Court cases. Hence his case was not considered for notional promotion as Joint Director w.e.f 1.12.1994. The inter-se-seniority Senior

Hydrogeologist / Senior Hydrologist / Senior Geophysicist prior to and after Supreme Court judgment is as follows:-

Prior to Supreme Court Judgment.

S.I No.	Name of the Officer /S/Sri.	Designation	Date of Regular.
1	T.Narasimha Reddy	Sr.Hydrologist	23.1.1978
2.	E.J.Mohan Rao	Sr.Gophysicist	25.11.1987
3.	U.Mangapathi Sarma	Sr.Hydrogeologist	25.11.1987
4.	P.J.Sastry	Sr.Hydrogeologist	25.11.1987

After the Supreme Court Judgement:

S.No.	Name of the Officer /S/Sri.	Designation	Date of Regular.
1	U.Mangapathi Sarma	Sr.Hydrogeologist	6.9.1977
2.	T.Narasimha Reddy	Sr.Hydrologist	23.1.1978
3	P.J.Sastry	Sr.Hydrogeologist	26.6.1978
4.	E.J.Mohan Rao	Sr.Gophysicist	25.11.1987

Sri P.J.Sastry's case for notional promotion as Director is a matter of subject after the judgment of Supreme Court of India on 12-9-2002 and after assigning notional date of promotion as Senior Hydrogeologist vide G.O.Ms.No.118, I&CAD Deptt., Dt.7-8-2003. The post of Director is filled up with out side Department candidate during 1995-2000.

4. In the reference 9th cited Sri.P.J.Sastry, Deputy Director (Retd) has further represented that he has issued instructions to his advocate at New Delhi to withdraw his case in the Supreme Court immediately. He has stated that he filed withdrawal application.

5. After careful examination of the matter, Govt. hereby promote Sri.P.J.Sastry, Deputy Director (Retd) as Joint Director notionally w.e.f .01.12.1994 as the vacancy arose due to retirement of Sri.T.Narasimha Reddy on 30.11.1994 and as Director notionally w.e.f 01.10.1995 as was done in the case of Sri.U.Mangapathi Sarma Director (Retd) for the purpose of retirement benefits only.

6. The Director, Ground Water Department shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director(FAC), Ground Water, Department, Hyderabad.

The Individual through the Director, Ground Water Department, Hyderabad.

The Account General, Andhra Pradesh , Hyderabad.

The Pay and Accounts Officer, Hyderabad.

Copy to

The PS to M(MI&GWD)

The PS to Prl. Secy , I&CAD Dept.,

The GAD (DPC.1) Dept.,

SF / SC

//forwarded by order//

SECTION OFFICER